



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS EDUARDO HERRERA FLORES,

Plaintiff,

v.

JERMYN CONTRACTING CORP., GOLIATH
CONSTRUCTION, INC., MEADOWBROOK
BUILDERS, INC., and PETER GLASS,
Defendants.
-----X

ORDER

21 CV 5630 (VB)

On June 29, 2021, plaintiff commenced the instant action. (Doc. #1).

On August 20, 2021, plaintiff docketed two affidavits of service indicating service on defendant Goliath Construction, Inc. on August 11, 2021 (Doc. #12) and on defendant Meadowbrook Builders, Inc., also on August 11, 2021 (Doc. #13). Accordingly, defendants Goliath Construction, Inc. and Meadowbrook Builders, Inc. had until September 1, 2021, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).¹

To date, defendants Goliath Construction, Inc. and Meadowbrook Builders, Inc. have not answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendants Goliath Construction, Inc. and Meadowbrook Builders, Inc. remain in default, plaintiff is ORDERED to seek a certificate of default as to these two defendants by **September 28, 2021**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants Goliath Construction, Inc. and Meadowbrook Builders, Inc. by **October 12, 2021**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice as against**

¹ Plaintiff has not yet filed affidavits regarding service on the other two defendants, Jermyn Contracting Corp. and Peter Glass.

defendants Goliath Construction, Inc. and Meadowbrook Builders, Inc. for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: September 21, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge